

## DEFINITION SUBCOMMITTEE EDITS CODIFIED

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### **Sec. 30-10. General rules of construction.**

~~(a) For the purpose of these Zoning and Land Development Regulations, certain terms used herein are herewith defined.~~ **Rules of Construction.** The following general rules of construction shall apply to ~~these~~ Regulations of this Code:

~~(a) References to "these Regulations", "these Regulatory Controls", the "Zoning Code" or "this Code" are deemed to refer to the Zoning and Land Development Regulations of the Village of Key Biscayne, Florida.~~

~~(b) The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.~~

~~(c) Words used in the present tense include the past and future tenses, and words used in the future tense include the present tense.~~

~~(d) The word "shall" is mandatory, the word "may" is permissive. Words of any gender shall be deemed and construed to include correlative words of the other gender.~~

~~(e) The word "Building" or "Structure" includes any part thereof, and the word "Building" includes the word "Structure." The words "shall" or "will" are mandatory. The word "may" is permissive.~~

~~(f) The word "Lot" includes the word "Plot" or "parcel" or "tract" or "site." The words "Building" or "Structure" include the totality and any part thereof. The word "Building" is encompassed within the definition of "Structure" such that a Building is itself a Structure and a Structure may or may not be a Building.~~

~~(g) The words "used" or "Occupied" include the words "intended," "designed" or "arranged" to be used or Occupied. The words "Lot," "Plot", "parcel", "tract", or "site" are synonymous and may be used interchangeably.~~

~~(h) The word "land" shall include water surface and land under water.~~

~~(i) The words "Used" or "Occupied" include the words "actually" Used or Occupied and/or "intended", "designed", "arranged", or "required" to be "Used or Occupied, unless the context clearly indicates the contrary.~~

~~(h) The words "Required Yards" or "minimum Required Yards" and "minimum Yards" includes the word "Setback." include Setback, FAR, Lot Coverage and Landscaping requirements of the Code, such that such references to Required Yards, minimum Required Yards or minimum Yards are deemed to take into account all such requirements as are applicable to respective Lots.~~

~~(i) When this Code refers to the Charter, other ordinances, codes or statutes, unless otherwise stated the reference shall imply be to the most up-to-date ordinance, code Charter provisions, ordinances, codes or statutes, as amended and in effect from time to time.~~

~~(j) Words and terms not expressly defined herein in Section 30-11 or elsewhere in the Code shall be interpreted in accordance with their normal first usage dictionary meanings, and customary usage.~~

~~(k) The word "land" shall include water surface and land under water.~~

~~(l) Any Use which is lawfully existing as a Main Permitted Use, Conditional Use or Accessory Use at the time of the adoption of an ordinance that would render it a Prohibited Use, shall become a lawfully Nonconforming Use, subject to the limitations on such Uses contained in sections 3-29 and 3-30 of this Code.~~

~~(m) If a Use is specifically enumerated then it takes preference over general applications or interpretations of these Regulations. If a Use is specifically enumerated as a permitted Use in a district then to be considered as a permitted Use in another district, it must also be specifically listed.~~

(m) Any Use that is lawfully existing as a Main Permitted Use, Conditional Use or Accessory Use shall automatically become a lawfully Nonconforming Use upon adoption of an ordinance that renders such formerly Permitted Use a Prohibited Use.

Nonconforming Uses are subject to the limitations on such Uses contained in Sections 3-29 and 3-30 of this Code.

~~(n) When this ordinance refers to a "Director," the referral shall automatically include the Director's "designee" unless specifically otherwise stated. A particular Use must be specifically identified as a Permitted Use in a particular District in order to be recognized as a Permitted Use in such District. Specific provisions regarding Permitted Uses and other specific provisions of these Regulations govern and control over general rules of construction and general applications or interpretations of these Regulations.~~

~~(o) Words of any gender shall be deemed and construed to include correlative words of the other gender. When a provision requires the Village Manager, the Director, a head of a department, or some other Village officer or employee to do some act or perform some duty, it shall be construed to authorize the Village Manager, the Director, head of a department or other Village officer or employee to designate, delegate and authorize subordinates to perform the required act or duty, unless the terms of the provision specify otherwise.~~

~~(p) The symbol > means "more than" and the symbol < means "less than". When these symbols are underlined, it means "or equal to."~~

~~(q) When a word is not defined in subsection 30-12 below, definitions in dictionaries shall apply. When a provision requires the approval of the Village Council, it shall be construed to require approval of the Village electors if such approval is required by the Charter.~~

~~(r) Whenever a notice is required to be given or an act to be done within a certain length of time before a specified proceeding may occur or result may be obtained, the day on which such notice is given or act is done shall not be counted computing the time, but the day on which such proceeding is to occur or such result is to be obtained shall be counted.~~

~~(s) Whether an Establishment is "operated for profit or for commercial or pecuniary gain" shall be determined by reference to how the Establishment advertises itself or holds itself out to the general public or particular persons, and such determination shall not depend on actual profit or loss.~~

~~(t) The words "including " or "include(s)" mean "including without limitation" or "include(s) without limitation".~~

~~(Ord. No. 2000-5, § 2, 5-9-00 \_\_\_\_\_)~~

### **Sec. 30-11. Definitions.**

~~{As used in this chapter the Zoning and Land Development Regulations, the following words and terms shall have the meanings respectively ascribed; set forth below in this Section 30-11. The following definitions pertain to terms that are technical in nature or that might not otherwise be a matter of common usage. If a term is not defined below or~~

elsewhere in the Zoning and Land Development Regulations, the Building, Zoning and Planning Director shall determine the correct definition of the term.

*Abutting or Adjacent Property.* ~~Property~~ With respect to any Lot, property that is immediately directly contiguous to property that is subject to review under these Regulations such Lot or property that is located immediately directly across any road, or public Right-of-Way or Waterway from the such Lot, property subject to review under these Regulations.

*Access.* The principal means of ingress and egress to a Lot from a ~~publicly dedicated~~ any road, public Right-of-Way, or Waterway.

~~*Access Waterways.* A Waterway that is developed or constructed in conjunction with the development of real estate for the purpose of providing Access by water to Lots.~~

*Accessory Building or Structure.* A Building or Structure used for an Accessory Use that is customarily incidental and subordinate to the principal Building or Structure, and that is located on the same Plot with, or a part of, the main Building, which is Occupied by, or devoted to, an Accessory Use Lot, or if specifically provided in these Regulations or in a specific land development order, on a contiguous Lot in the same ownership which is subject to a unity of title or similar declaration.

~~*Accessory Use, Building or Structure.* A Use or Structure subordinate to the Principal Use of a Building or parcel of land, on the same or contiguous to that parcel of land and Lot, serving a purpose customarily incidental to the Principal Use of the principal Building or parcel of land Lot.~~

~~*Adult Entertainment Establishment.* An adult theater, an adult video/bookstore, an adult performance establishment, a commercial physical contact parlor, or A Use featuring nudity or catering to prurient or sexually evocative interests, including without limitation, an escort service operated for commercial or pecuniary gain, regardless of whether any such Establishment Use is licensed under this eCode. "Operated for commercial or pecuniary gain" shall not depend upon actual profit or loss. An Establishment which has an Occupational License or an Establishment which advertises itself as a type of Adult Entertainment Establishment shall be presumed to be "operated for commercial or pecuniary gain".~~

*Alterations.* Any change in size, shape or character of construction of a Building[,} Structure, or Sign, or in landscaping, or grading of a Lot that requires a building permit.

*Amusement Center.* A permanent Building housing Mechanical Amusement Devices, automatic merchandise Vending Machines, and/or juke boxes, without respect to number, provided all other laws, ordinances, or Regulations of the Village are complied with.

*Antique.* An Building, Structure, or object having special recognized value or significance because of its age, and belonging to, made in, or typical of an earlier a particular period of history.

*Apartment Building.* A Building with or without resident supervision Occupied or intended to be Occupied by more than two families living separately with separate cooking and sleeping facilities in each Unit featuring three or more Dwelling units where each unit has direct access to the outside or to a common hall. An Apartment Building where Dwelling Units are available for lease or rent for less than one month shall be considered a Hotel or Motel.

*Apartment, Efficiency.* A Dwelling Unit consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

*Apartment Hotel.* A ~~multiple Dwelling Building~~ combining Hotel and Apartment Units under resident supervision, which maintains an inner lobby through which all tenants must pass to gain Access to the apartments having a registration desk, Hotel administration area, and common areas available to Hotel guests and Apartment residents and which may furnish dining room service.

*Apartment Unit.* A room or ~~group of rooms, Occupied or intended to be~~ Apartment Efficiency within a Building, physically separated from others and accessible by separate and exclusive keyed or seured entry, each Occupied as separate living quarters by one Family and containing independent cooking, sanitary, and sleeping facilities.

*Architectural Features.* Prominent or significant parts or design elements of a Building or Structure.

*Architectural Style.* The characteristic form and detail of Buildings from a particular historical period or architecturally recognized categorical design tenet.

*Assigned Resident.* Any Person residing within a residential care facility other than foster parents and their natural, foster or adopted children and designated supervisory personnel.

*Attic Story.* ~~A space under a sloping roof in which the line of intersection of the Roof Structure and the Wall face does not exceed four feet as measured from the finished floor. Not more than two-thirds of the Floor Area of said Story may be finished for use~~ An unfinished, non-habitable space directly under a roof .

*Automatic or Coin-Operated Service Trade Machine.* Any machine or device other than ~~an amusement device~~ a Mechanical Amusement Device, Vending Machine, or juke box, such as a laundry washing machine or drying machine.

*Automobile Repair, Major.* General automobile repair, rebuilding or reconditioning of engines, motor vehicles or Trailers; collision service including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

*Automobile Repair, Minor.* Simple automotive repair ~~which can be accomplished entirely within an enclosed Structure,~~ including but not limited to minor motor tune-up and repair, upholstery, tire repair and replacement and muffler installation, but not including any operations listed under Automobile Repair, Major, or any other operation similar thereto.

*Automobile Wrecking or Salvaging.* The dismantling or disassembling of used motor vehicles or Trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

*Availability or Available.* With regard to the provision of facilities and services concurrent with the impacts of Development, Availability means that at a minimum the facilities and services will be provided for purposes, to the extent, at times and in the manner specified under the Village Comprehensive Plan and at a minimum in accordance with the standards set forth in Rule 9J-5.0055(2), Florida Administrative Code. (Definition used for Concurrency Determinations).

*Average Lot Width.* The average of the width of the Lot at the front and rear property lines.

*Awning.* Hood or cover which projects from the Wall of a Building to afford protection from sun or rain for pedestrians or vehicles.

*Balcony ~~or Terrace.~~* An unenclosed platform that projects from the Wall of a Building, cantilevered above grade, and has having a Parapet or railing. The platform may service one Unit or it may be a continuous platform serving more than one Unit with a Wall or fence separating the platform between the Units. ~~It may or may not have a roof.~~

*Banding.* A narrow strip serving chiefly as decoration.

*Bar.* Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any Sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the Premises.

*Base Flood Elevation (BFE).* The Base Flood Elevation of a property as established by the Village's Flood Protection Ordinance.

*Basement.* That portion of an elevated Structure below the BFE, existing solely due to the structural design of the elevated Structure and as such being non-finished for habitation.

*Bay Window.* A projection of windows extending beyond a Building wall, cantilevered above finished grade.

*Bed and Breakfast Inn.* A Structure originally built as a single Family residence which is owner Occupied and operated to provide guest rooms with or without breakfast and/or dinner included as part of the room rate.

*Billboard.* A Sign, normally mounted on a Building Wall or freestanding Structure, with advertising Copy which refers to something other than the name and primary character of the business on the Premises where it is located or is located on a remote site from service or site referred to by the Sign Copy.

*Block.* A parcel of land entirely surrounded by Streets, streams, railroad Rights Of Way, parks or The aggregate of Lots, the perimeter of which abuts a public Right of Way, park, other public space, Waterway, or combination thereof.

*Boarding House.* A Lodging House or Rooming House that provides meals for guests. This definition does not include Bed and Breakfast Inns, Hotels or Motels.

*Breezeway.* A roofed, open, passage connecting two Structures.

*Buffer.* An area of land, including landscaping, berms, walls, fences, and Setbacks, located between Buildings or between a Building or Buildings and a property line.

*Building.* Any Structure, either temporary or permanent, having a roof, ~~and used or built~~ intended for the shelter or enclosure of Persons, animals, chattels, or property of any kind. ~~This definition shall include tents, Awnings, or vehicles situated in private property and serving in any way the function of a Building but is not intended to permit such Structures other than where expressly allowed under this Code., excluding freestanding tents, Awnings, Pilapas or Cabanas and screened enclosures.~~

*Building Area.* The sum of the interior, enclosed Floor Area of a Building.

*Building Area, Allowable.* The portion of a Lot remaining after required Setbacks have been provided. Buildings may be placed in any part of the Building Area, but limitations on the percent of Lots that may be covered by Buildings may require Open Space within the Building Area.

*Building Code.* The State of Florida Building Code as in effect from time to time, or its replacement adopted as such by the Village Council, County, and State.

*Building Height.* The vertical dimension of walls of a Structure.

*Building Line.* The limits of building for a specific Lot as established by the principal building Setbacks.

*Building, Zoning, and Planning Director.* That individual appointed by the Village Manager as the Director of the Building, Zoning, and Planning Department.

*Cabana.* An Accessory Use, non-habitable, solid, roofed Structure for recreation or entertainment purposes, which may or may not be air conditioned and which may or may not have kitchenette or sanitary facilities.

~~Cafe, Outdoor (Outdoor Café or Dining Facility). A Use located on private property that is~~  
An Accessory Use not having cooking or refrigeration equipment, located outside of a main Commercial Use and that may be shaded by Canopies, Awnings or umbrellas,  
characterized by outdoor table service of food and/or beverages ~~that are prepared in an adjacent or attached Main Use restaurant for consumption on the Premises. It is characterized by tables and chairs and may be shaded by Canopies, Awnings, or umbrellas.~~

~~Cafe, Sidewalk. A Use~~An Outdoor Cafe located in ~~the~~ a public Right-of-Way or private pedestrian access way that is associated with a restaurant where food or beverages are delivered for consumption on the Premises (but not having cooking or refrigeration equipment). It is characterized by tables and chairs and may be shaded by Canopies, Awnings or umbrellas.

~~Canopy. An Awning over a Building entrance that extends to the edge of the adjacent Right-of-Way. A fixed-roof Structure providing shade or weather protection that is in whole or part self-supporting, with open sides.~~

~~Carport. A roofed Structure which is completely open, except for supporting columns (may include kneewall, maximum height 2.5 feet above grade), on at least two sides and attached to or detached from the main Building, designed and used for the purpose of providing shelter for one or more motor vehicles.~~

~~Carport Canopy. A Structure of lightweight wood or metal construction which is covered by trellis, canvas, or similar lightweight sheathing for the purpose of providing shade to one or more vehicles. Carport Canopies, as defined herein, are limited in height to ten feet above the Maximum Lot Elevation and limited in area to 300 square feet.~~

~~Catwalk. A narrow, elevated, open air hallway used for pedestrian access.~~

~~Change of Occupancy Use. A discontinuance of existing Use and the substitution therefor of a Use of a different kind or class. Change of Occupancy Use is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of Use.~~

~~Chickee Hut. A Gazebo having a thatched roof and wood supports.~~

~~Chief Code Enforcement Officer. Includes any Village employee working under the authority and direction of the Building, Zoning, and Planning Director.~~

~~Civic Building. A Building used specifically for a civic function.~~

~~Civic Space. An outdoor area dedicated for public use.~~

~~Club, Private. Nonprofit~~ An association or organization of fraternal, charitable, educational or social character for exclusive use by members and their guests.

~~Club, Night(Night Club). A restaurant, dining room, Bar or other similar establishment providing food or refreshments and/or beverages, providing for music and dancing entertainment and wherein floor shows or other forms of entertainment are may be provided.~~

~~Colonnade. See Breezeway.~~

~~Commercial Uses. Any A land use function or activity where there is an~~featuring provision of services or exchange of goods or services for monetary gain. Such activities include but are not limited to Retail sales, offices, including office, Retail, service, entertainment, eating and drinking facilities establishments, theaters and similar Uses establishments.

~~Communication Tower, Cellular (Cellular Communication Tower). A Tower that is designed and used for the purpose of sending and receiving cellular telephone calls. Included in this definition is the actual Tower and any A Tower (and any adjacent Accessory Building), used to house necessary communication equipment.~~

~~*Communication Tower, Monopole.* A Cellular Communication Tower that consists designed and used to send and receive cellular telephone calls, configured either as a monopole Tower consisting of a single pole set in a concrete foundation, and having the sending/receiving equipment mounted at the top of the pole.~~

~~*Communication Tower, Three-Sided.* A self-supporting Cellular Communication Tower that has three sides, or as a three-sided Tower, with no guy wires; and the sending/receiving equipment mounted at various locations on the Tower.~~

~~*Community Residential Home.* Any Building or Buildings, section of a Building, or distinct part of a Building, residence, private home, or other place, whether operated for profit or not, which is facility licensed and/or monitored by the State Department of Children and Families (or any successor agency) to provide a Family living environment (including supervision and care necessary to meet the physical, emotional and social life needs of one or more Assigned Residents not related to the owner or administrator by blood or marriage).~~

~~*Completely Enclosed Building.* A Building separated on all sides from adjacent open space, other Buildings or other Structures by a permanent roof and by exterior Walls or party Walls, pierced only by windows and normal entrance or exit doors.~~

~~*Comprehensive Plan.* Master development plan for a municipality as defined by the State and approved by the Florida Department of Community Affairs.~~

~~*Concurrency.* The requirement by applicable State law administered by Florida Department of Community Affairs that necessary public facilities and services to maintain the Village's adopted level of service standards as defined in the Comprehensive Plan are Available when the impacts of Development occur.~~

~~*Concurrency Determination.* A determination by the Village of Key Biscayne as to whether required Concurrency standards are satisfied for all facilities and services needed to support Development will be Available concurrent with the impacts of such Development, both generally from time to time and concurrently with the impacts of proposed new Development.~~

~~*Concurrency Management System.* The procedures and/or process that the Village will utilize to make Concurrency Determinations generally, and to assure that Development Permits are not issued unless the necessary facilities and services will be Available concurrently with the impacts of the proposed Development.~~

~~*Conditional Use.* A Use that is not generally appropriate in a district, but would be appropriate if it is consistent with the review criteria a Permitted Use in a District, but that may be deemed appropriate for that District, upon specific finding by the Village Council and/or electors, subject to ongoing compliance with specified criteria and standards.~~

~~*Consignment Shop.* A business establishment which that offers merchandise for sale which that has been entrusted to the business by a third party owner, for which the owner of the merchandise is paid after the sale of the merchandise by the business.~~

~~*Convalescent Home.* A Building, or portion thereof wherein for compensation, living accommodations and care are provided for Persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for Persons requiring further institutional care after being discharged from a hospital other than a mental hospital.~~

~~*Cooking Facilities.* Any facilities or devices used for food or beverage preparation, specifically including to cook, heat, or defrost food. Such devices may include, but~~

~~should not be limited to, a wet bar sink, stove, an oven, a microwave, or a toaster or any combination of these.~~

*Copy.* The wording on a Sign surface either in permanent or removable letter form, including trademark emblems or reproductions.

*Courtyard.* Open Space, partially defined by Walls or Buildings.

*Covered Walkway.* See Breezeway.

*Cul-De-Sac or Dead-End Street.* A ~~Minor~~ Street with only one outlet to another Street, terminating at one end, sometimes with a circular turn around.

*Day Nursery.* (See Nursery School).

*Deck.* A ~~platform located below the Base Flood Elevation whose horizontal surface of~~ wood or other material that is attached to the ground, either at grade or elevated.

*Dedication.* A grant for designated public use of a property or property right.

*Density.* The ~~maximum number of Units per acre, which can be developed on a parcel of land (measured to the property lines).~~ number of Dwelling Units within a standard measure of land area, which shall be expressed as a number of Dwelling Units per acre unless otherwise specified in these Regulations.

*Department of Transportation (or DOT) Standards.* ~~Includes the term State Standards and as used herein shall refer~~ Refers to the Florida State Department of Transportation's Standard Specifications for Road and Bridge Construction as ~~currently adopted and in use from time to time.~~

*Developer.* Any ~~individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these Regulations.~~ Inasmuch as the Subdivision Plat is a necessary means to the end of assuring a satisfactory Development under the terms of the Village Code, the term Developer is intended to include the term Subdivider, even though the Persons involved in successive stages of the project may vary, person or entity seeking to undertake a Development within the Village of Key Biscayne, including any person or entity subject to a Unity of Title and any subdivider of a Lot involved in the proposed Development.

*Developer's Engineer.* A professional engineer registered ~~in this State and in active status in Florida,~~ and engaged by the Developer to plan and supervise the construction of the work required under these Regulations.

*Development.* ~~That meaning given in F.S. § 380.04.~~ As defined in Section 380.04, Florida Statutes, or otherwise as specified by the Village Council or electors.

*Development Permit.* Any building permit, zoning or Permitted Use or Conditional Use approval, Subdivision or Plat approval, Site Plan approval, Development Review Committee Order, rezoning, ~~Conditional Use,~~ waiver, variance, sign permit, or other official action of ~~a unit of the Village or the electors~~ having the effect of permitting the Development of land.

*Dividing Strip.* A separation, planted whenever possible, between opposite directional flows of traffic. ~~It may also mean, or a separation between the traffic lanes on a traffic Street or highway and the~~ a parallel service Street which provides Access to property nominally fronting on the trafficway, principal Street, or a separation between a Street and a bike path, pedestrian walkway or Open Space.

*Drive-In/Drive-Thru Restaurant or Refreshment Stand* ~~Establishment.~~ Any place or premise used for the sale, dispensing or serving of food, refreshments or beverages to patrons who enter upon the premises ~~in automobiles~~ and receive service in ~~automobiles~~ motor vehicles, or for consumption of food, refreshments or beverages in ~~automobiles~~ motor vehicles or otherwise off premises.



*Duplex or Two-Family Residence.* ~~A residence Building designed for, or used as, the separate homes or residence of two separate and distinct Families. Each individual Unit in the Duplex shall have all living room accessible to each other from within the Unit and each individual Unit is to be Occupied exclusively by one Family as a single housekeeping Unit.~~ Two (2) Dwelling Units within a single detached Building, each Dwelling Unit of which provides a residence for a single Housekeeping Unit.

*Dwelling or Dwelling Unit.* ~~Any Building or part thereof, Occupied in whole or in part, as the residence or living quarters of one or more Persons, permanently or temporarily, continuously or transiently.~~ Residence of an individual or single Housekeeping Unit.

*Dwelling, Group.* ~~A Building or part thereof, in which several unrelated Persons or Families permanently reside, but in which individual Cooking Facilities are not provided for the Persons or the Families. Group Dwelling may include a Rooming House, fraternity house, sorority house, convent, monastery or Private Club in which one or more members have a permanent residence. Group Dwelling shall not be deemed to include a Hotel, Motel, tourist home, or Trailer park.~~

*Dwelling, Multiple Family.* ~~A Dwelling Occupied by three or more Families; a Dwelling comprised of three or more Dwelling Units.~~

*Dwelling, One Family.* ~~One or more rooms or Buildings physically arranged so as to create an independent housekeeping establishment or Unit for occupancy by one Family with separate toilets, and facilities for cooking and sleeping.~~

*Dwelling, Single Family.* ~~A Dwelling Occupied by not more than one Family; a Dwelling comprised of only one Dwelling Unit.~~

*Dwelling, Two Family.* ~~A Dwelling Occupied by not more than two Families; a Dwelling comprised of two Dwelling Units.~~

*Easement.* An interest in land granted for limited Use purpose, but which does not convey fee title to real property.

*Elevated ~~Home~~ Structure.* A ~~home~~ Structure having all finished floors at or above BFE.

*Elevation.* The height of a surface relative to sea level as represented by NGVD (National Geodesic Vertical Datum).

*Enforcing Official.* The officers and employees of the department, bureau or agency of the Village to whom the duty of enforcing the terms of these Regulations are assigned.

*~~Erected~~ Erect(ed).* Includes built, constructed, reconstructed, moved upon or any physical operations on ~~the premise~~ a property required for building.

*Established Grade.* ~~The Established Grade, as applied~~ As applicable to any building site ~~shall be,~~ the average elevation of the sidewalk abutting such building site or, if there is no sidewalk, the average elevation of the crown of the road or Street abutting such building site. Where a building site abuts more than one road and/or Street, the Established Grade shall be the average elevation of the sidewalks abutting such building site, or if there are not sidewalks, the average elevation of the crown of the road on Streets abutting such building site.

*Establishment.* A facility for the conduct of a trade or business.

*Family (or Housekeeping Unit).* Any number of individuals living together as a single housekeeping ~~Unit~~ and doing their cooking on the Premises, as distinguished from a group occupying a Boarding or Rooming House or Hotel.

*Floor Area.* The sum of the areas of the floors of a Building or Buildings, measured from the exterior faces of exterior Walls or from the exterior face of an architectural projection, or from the centerline of ~~Walls~~ a Wall separating two attached Buildings. The

calculation of Floor Area for Unit sizes is measured from the centerline of a party Wall to the interior face of an exterior Wall.

~~The Floor Area of a Building shall include all areas except for those areas listed below, unless otherwise provided for in this chapter:~~

- ~~(1) Accessory water tanks or cooling Towers.~~
  - ~~(2) Unenclosed exterior staircases or steps, exterior open fire escapes and open stairwells.~~
  - ~~(3) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.~~
  - ~~(4) Unenclosed exterior Terraces, Balconies, breezeways, Porches, Carports, Gazebos, sheds or hallways or areas that provide Access to a Unit or Units.~~
  - ~~(5) Any floor space utilized for parking within an accessory off-street Parking garage. For single Family and Two-Family Structures, the Parking garage is included in the FAR calculation if the finished floor is more than two feet above the crown of the road except as set forth in subparagraph (8). If the Parking garage is the main Permitted Use, then the Floor Area of the Parking levels shall be included in the calculation for Floor Area Ratio.~~
  - ~~(6) Mechanical equipment rooms located above the main roof deck.~~
  - ~~(7) Exterior unenclosed private or public Balconies.~~
  - ~~(8) Floor Area located below BFE is excluded; however, if the ceiling is above BFE and the space is enclosed on more than two sides, 10 percent of the horizontal Floor Area of the space below BFE is included in the Floor Area.~~
  - ~~(9) Exterior elevators and landings.~~
  - ~~(10) Chaises.~~
  - ~~(11) Service station or automotive repair when located in a parking garage.~~
- ~~In volumetric Buildings where there are no interior floors above the finished floor, the Floor Area shall be calculated as if there were a floor for every ten feet. Volumetric space between ten and 13 feet is not counted. Volumetric space above 13 feet shall be calculated as follows: Floor area = 10 percent for each one foot or fraction thereof in height × square feet of the space.~~
- ~~Volumetric space is not counted in the following:~~
- ~~(1) In entranceways that contain 225 square feet or less.~~
  - ~~(2) Space between ten and 13 feet above the finished floor.~~
  - ~~(3) Space above stairs.~~

Floor Area, Gross. The total floor area contained within a building including the horizontal area of external walls and floor area of balconies, porches and garages.

Floor Area Ratio. The total Floor Area of a Building or Buildings on a ~~building site~~ Lot divided by the Net Lot Area of the ~~site~~ Lot.

Frontage of a Property. ~~The Plot line that abuts a Street or separates the Plot from a Street.~~ Property line abutting a Street or other public space.

Front Wall. ~~That~~ The Wall of a Building fronting a Street that contains the primary Access to the Building.

Function. The land Use allowed on property according to these Regulations.

Gallery. See Breezeway.

Garage, Community. A Building or part thereof, used for indoor covered Parking of self-propelled private passenger motor vehicles, for ~~Use of residents in the vicinity~~ general community use.

~~Garage, Mechanical.~~ A Structure for the Parking of self-propelled passenger vehicles wherein such vehicles are parked by mechanical means.

~~Garage, Private.~~ An Accessory Structure designed or used for ~~inside covered~~ Parking of self-propelled private passenger motor vehicles by the occupants of the main Building.

~~Gazebo.~~ A detached roofed or trellised-covered Structure open on at least three sides.

~~Grade, Elevated Building.~~ Equal to the Base Flood Elevation. A series of Elevations along a horizontal constructed or natural surface.

~~Grade, Non-elevated Building.~~ Equal to the crown of the adjacent road.

Green Space. Open Space outdoors, at grade or elevated, unroofed, landscaped or in a natural condition, without sanitary facilities or amenities, and free of impervious surfaces.

**[Greenway. An Open Space corridor in largely natural condition that may include trails for bicycles and pedestrians.]**

Guest House. An enclosed, air conditioned Accessory Structure attached to or detached from the primary residential Building that functions as a sleeping quarters for guests.

Habitable Room(s). Rooms designed and used for living, sleeping, eating or cooking, or combinations thereof, having at least one (1) window. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces and similar areas are not considered Habitable Rooms.

Hazardous Substances. Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any Person handling or using or otherwise dealing with such material or substances, including substances regulated as hazardous under federal, state or local law.

Healthcare and Aftercare Facilities. An establishment that caters to special needs residents or visitors including, but not limited to, Adult Congregate Living Facility (ACLF), Adult Day Care Facility, Adult Living Facility (ALF), Convalescent Home, Communal Residential Facility, Extended Care Facility, Group Home, Homeless Assistance Center, Hospice, and Nursing Home, as defined by State Health Department Statutes.

Height, Building-Maximum. As further established in the Regulations governing each zoning district, ~~and shall be measured as follows:~~ the vertical distance from the point described below to the top of the highest tie beam roof peak of the Building within Single Family and Two Family Residential Zoning Districts, and to the top of highest tie beam in all other Zoning Districts. ~~The point to begin measuring the height of a Building shall be as indicated below:~~

- (1) Non-elevated Buildings: from the crown of the road.
- (2) Elevated Buildings: from the Base Flood Elevation (BFE).

Home, One Story. ~~Is a home~~ A residence with exterior Building Wall height not exceeding 14 feet from BFE for Elevated Homes or from the grade of the lowest finished floor for Non-Elevated Homes.

Home, Non-Elevated. A ~~home~~ residence having any finished floor below Base Flood Elevation (BFE).

Hotel. A Building, or part thereof, in which sleeping accommodations are offered to the public primarily on a short term or transient basis.

Hotel Room or Unit. A room; or group of rooms with ingress or egress, intended for rental to transients on day-to-day, week-to-week, or month-to-month basis; but not intended or used as a permanent Dwelling. The definition includes:

- (1) A sleeping room within a Hotel;

- (2) A living or sleeping room within a Dwelling, having a separate entrance from outside the Dwelling other than the principal entrance of Dwelling; and
- (3) A living or sleeping room within a Dwelling Unit of a Multiple Family Dwelling, having a separate entrance from outside the Dwelling Unit.

*Institutional (Use).* A Use, Building, or organization of a public character or providing a public or semi-public service.

*Lanai.* See Porch.

*Landscape Terrace.* A Deck, Patio, Pool Deck, Sun Deck, or Terrace that is a landform.

**[LEED. Leadership in Energy and Design; provides energy efficiency standards.]**

*Level of Service (LOS).* An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics and capacity of the facility. LOS indicates the capacity per unit of demand for each public facility specified in the Comprehensive Plan in order to ensure that adequate facility capacity is provided and will be provided for future Development, and for determining compliance with the Concurrency Management Plan.

*Linear Foot Frontage.* A distance of one foot of a ~~Main~~-Street or Open Space Frontage.

*Lodging.* A room or rooms rented by an unrelated tenant or tenants within a single family residence.

*Lodging House.* A single family residence where a room or rooms are provided for rent to an unrelated tenant(s).

*Loft.* An upper room or floor.

*Loggia.* See Porch.

*Lot.* A parcel or tract of land designated and identified as a single ~~Unit of area~~ building site or unit, including platted lots, tracts or parcels of land as depicted in a Subdivision Plat officially recorded in the public records of Miami-Dade County, Florida. This definition includes the terms site, platted Lot, Plot, tract or parcel and land described by metes and bounds.

*Lot Area.* The total area within Lot Lines.

*Lot, Corner.* A Lot at the intersection of two or more Streets, or Street and canal or Waterway.

*Lot Coverage.* ~~The percentage of Net Lot Area occupied by Structures. The area of the Lot Occupied by all Buildings, covered Structures and Terraces above Maximum Lot Elevation, excluding the following: In Commercial, Office, or Multiple Family Districts, uncovered, open plazas located on the upper deck of a parking garage, so long as the upper deck is no higher than two 2.0 feet above the Base Flood Elevation constructed with an elevation at or below 3.0 ft. below grade; exterior steps and landings attached to and providing a means of ingress and egress from a Building; Carport Canopies which occupy less than 300 square feet in area; Gazebos occupying a total area of up to two percent of the lot size; utility sheds; carports and porches that provide a ten foot setback pursuant to section 30-100(f)(12); planters with a maximum height of four feet above grade and patios, Decks and swimming pools that are located below the Maximum Lot Elevation. Lot Coverage shall specifically include any non-roofed areas enclosed by Walls (other than Building Walls) that exceed six feet in height and are attached to or otherwise form an integral part of a Building.~~

*Lot Depth.* The mean horizontal distance between the Front and Rear Lot Lines.

*Lot, Interior.* ~~All Lots other than Waterfront Lots~~ A Lot abutting only one Street.

*Lot, Key.* The first Lot to the rear of a Reversed Corner Lot whether or not separated by an alley therefrom.

Lot Line. The boundary that legally and geometrically demarcates a Lot.

Lot Line, Front. The line dividing a Lot from a Street (public road Right-of-Way). On a Corner Lot, the Front Lot Line shall be that Street Lot Line in line with the front line of the adjacent Interior Lot. If this situation exists with both Street Lot Lines on a Corner Lot (reversed corner), then both such Lot lines shall be considered Front Lot Lines for applying required Front Yard Setbacks and Lot Width. On Through Lots both Front Lot Lines shall require Front Yard Setbacks (see Article III).

Lot Line, Rear. The Lot line opposite and most distant from the Front Lot Line. In the case of a triangular or gore-shaped Lot wherein the two Side Lot Lines converge in the rear, the Rear Lot Line shall be considered to be a line ten feet in length within the Lot parallel to and at the maximum distance from the Front Lot Line.

Lot Line, Side. Any Lot line other than a Front or Rear Lot Line. A Side Lot Line separating a Lot from a Street is called a side Street Lot Line. A Side Lot Line separating a Lot from another Lot or Lots is called an interior Side Lot Line.

Lot Line, Street or Alley. A Lot line separating the Lot from a Street or alley.

Lot, Non-Waterfront. All Lots other than Waterfront Lots.

Lot, Reversed Corner. A Corner Lot the side Street line of which is substantially a continuation of the Front Lot Line of the first Lot to its rear.

Lot, Through. Any Lot other than a corner Lot having frontages on two parallel or approximately parallel Streets.

Lot, Waterfront. Any Lot which has with direct frontage on Biscayne Bay or any other body of water within the Village boundaries.

Lot Width. The mean horizontal distance between the Side Lot Lines.

Main Street Frontage. The length of the ~~property line of any one Premises~~ Lot Line parallel to and along the public Right-of-Way (but in no event an alley) bordering the primary Access to the ~~Buildings or Premises~~ Building(s).

Master Drainage Plan. An engineering drawing and ~~W~~written report outlining the primary and secondary drainage facilities needed for the ~~proper~~ Development of a ~~specific increment of~~ for any Use within the Village.

Maximum Lot Elevation. The maximum height of Lot fill as established by ~~this chapter~~ these Regulations.

Mechanical Amusement Device. Any machine or device other than an automatic merchandise Vending Machine, Automatic or Coin-Operated Service Trade Machine, or juke box that, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for Use as a game, entertainment or amusement, whether or not registering a score; including but not limited to such devices as marble machines, mechanical grab machines, indoor shuffle boards, pinball machines, skill ball, shuffle alleys, ~~mechanical grab machines~~, electronic game machines or movie machines.

Mitigation. Measures taken to eliminate, minimize or compensate for damages from Development.

Mixed-Use. Multiple functions within the same Building or in multiple Buildings within an abutting area.

Motel. A Building, or part thereof, in which sleeping rooms and/or living accommodations are offered to the public, with no Cooking Facilities for Use by the occupants, primarily on a short term or transient basis, with Access to the individual Units from the exterior of the Building and Parking facilities for Use of occupants near their quarters.

N/A. Not applicable.

Natural Features. Physical characteristics of a subject property or area that are not man-made.

Net Lot Area. Horizontal area of the site bounded by the property lines as indicated in a certified survey.

Nonconforming Structure. A Structure which lawfully existed prior to the adoption, revision or amendment of ~~this ordinance~~ these Zoning and Land Development Regulations, but which fails, by reason of such adoption, revision or amendment, to conform to the Regulations applicable in the Use district in which it is located.

Nonconforming Use. A Use or activity which lawfully existed prior to the adoption, revision or amendment of this ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the Regulations applicable in the Use district in which it is located.

Nursery School. A place for the day care and instruction of children not remaining overnight. This definition includes the term Day Nursery.

Occupational License. A license issued by the Village as a prerequisite to the maintaining and conducting of a business, service or profession.

Occupational License (Restricted). Any Occupational License issued to a Person engaged in any business or profession whose place of business is his residence.

Occupied. Utilized, not abandoned. Includes arranged, designed, built, altered, converted, rented or leased to be Occupied.

Off-Site Parking. Space provided for Parking motor vehicles located outside the boundaries of the Lot(s) served.

Office Building. A Structure designed to provide office space ~~for Professional Offices and space for~~ service activities, and providing a common Parking area or areas for tenants and their customers.

Offices, Professional. Offices ~~which are~~ utilized by Persons employed in a profession or occupation requiring special, usually advanced, education or skill, and not involving either sales or repair of any product or merchandise or the providing of any personal services on the Premises. Professional Offices include, but are not limited to: medicine, law, accounting, real estate, insurance, architecture, engineering, stockbroker, banking and financial, and private investigator (excluding bail bonds).

Official Zoning Map. A map adopted by the Village Council showing zoning district designations of property.

Open Space. Any parcel or area of land or water open to the sky and exclusive of permanent Building or enclosures, including parks, greens, courtyards, gardens at grade or on rooftops, playgrounds and pedestrian paths, together with associated landscaped areas.

~~Open Space and Institutional Uses. Shall include public parks and recreation areas, schools, churches, hospitals and similar public service Uses.~~

~~Outdoor Dining Facility. A Use located on private property that has outdoor table service of food and beverages, which are prepared in an adjacent or attached restaurant, for consumption on the Premises. It is characterized by tables and chairs and may be shaded by Canopies, Awnings or umbrellas~~ See Outdoor Café.

Overlay Regulations. A set of Regulations which are superimposed upon and supplement, but do not replace, the underlying zoning district and Regulations otherwise applicable to the designated areas.

Parapet. That portion of a Wall which extends above the Roof Line.

Park. A Lot or area of land or water designated as such and used by the public for active or passive recreation or Open Space.

Parking. The temporary, transient storage of ~~private passenger automobiles used for personal transportation~~ motor vehicles, while their operators are engaged in other activities. Parking shall not include storage of new or used cars for sale, service, rental or any other purpose other than specified above.

Parking Lot. An all weather surface area, not in a Street or alley, that is used for the temporary Parking of ~~more than four~~ motor vehicles.

Parking Lot or Garage, Satellite. A Parking Lot or garage that is accessory to, but located on a Lot that is not abutting, the Main Permitted Use.

Parking Lot and/or Garage, Valet. A Parking Lot and/or garage which is accessory to and, that may or may not be located on the same Lot as, the Main Permitted Use, where non-commercial, personal passenger automobiles and vans are parked solely by employees or agents of the owner of the Main Permitted Use.

~~Patio or Pool Deck. A horizontal surface, whether of wood or other construction located in the Front, Rear or Side Yard of a Lot or on the roof of a flat Structure. See Deck.~~

Pedestal. That portion of the Building or Structure that is less than 50 feet in height measured from the BFE.

Pedestrian Orientation. The characteristics of an area where the location and access to Buildings, and Uses permitted at street level, and overall design relate primarily to the needs of persons on foot.

Person. Includes a natural person, association, business entity or firm, ~~eo~~-including a partnership, ~~or~~-corporation, or limited liability company, or a trust.

Personal Service Uses. Establishments that are primarily engaged in providing non-medical services involving the care of a Person, his or her apparel, or pets. These Uses include but are not limited to hair salons, laundry and dry cleaning (drop off only), pet grooming salon, shoe repair, diaper service, alterations, tailoring and jewelry repair, carpet and upholstery cleaning, photographic studios, funeral services, steam baths, reducing salons, health clubs and clothing rental.

Pervious Area. A permeable area of land ~~within the Building Lot which~~that permits the drainage and percolation of stormwater.

Pilapa. See Chickee Hut.

Planter. A structural element that accommodates vegetation, which may be continuous or individual and separated.

Plat. A map depicting the division or Subdivision of land into Lots, ~~Blocks, parcels, tracts, or other portions thereof~~, however the same may be designated, prepared in accordance with the provisions of these Regulations and those of any applicable law and/or local ordinance, which may be designated to be placed of ~~on~~ record in the office of the Clerk of the Circuit Court of Miami-Dade County.

Plat, Final. A finished map of a Subdivision accurately showing all legal requirements of the State Plat Law and the requirements of these Regulations.

Plat, Preliminary. A copy of the Plat in sufficient form to readily compare the Plat with the master plan and construction plans.

Plat of Record. A Plat which conforms to the requirements of the applicable laws of the State and ordinances of the County, which has been accepted by the Village Council and placed in the official records of Miami-Dade County.

Plaza. An Open Space that may be improved, landscaped or paved, usually ringed by Buildings or Streets.

Playground. Open Space designed for children's recreation.

Plot or Site. Land Occupied or to be Occupied by a Building or Use, and their Accessory Buildings and Accessory Uses, together with such Yards and open spaces as are required by these Zoning and Land Development Regulations. A Plot may consist of one or more platted Lots[,], portions thereof and/or unplatted land, abutting and not separated or interrupted by any other parcel of land, Right-of-Way or body of water. This definition includes the term LotSee Lot.

Plot Area. See Lot Area.

Plot, Corner. A Plot of which at least two adjacent sides abut for their full length upon Streets, provided that such two sides intersect at an interior angle of not more than 135°. Where a Plot is on a curve, if tangents through the intersections of the Lot lines with the Street lines make an interior angle of not more than 135°, such a Plot is a Corner Plot. In the case of a corner Plot with a curved Street line, the corner shall be considered to be that point on the Street line nearest to the point of intersection of the tangents herein describedSee Lot, Corner.

Plot Depth. The mean horizontal distance between the Front and Rear Plot LinesSee Lot Depth.

Plot, Interior. A Plot other than a Corner PlotSee Lot, Interior.

Plot, Key. The first Plot to the rear of a Reversed Corner Plot whether or not separated by an alley therefromSee Lot, Key.

Plot Line. See Lot Line.

Plot Line, Front. The line dividing a Plot from a Street (public road Right-of-Way). On a Corner Plot the Front Plot Line shall be that Street Plot Line in line with the front line of the adjacent Interior Plot. If this situation exists with both Street Plot Lines on a Corner Plot (reversed corner), then both such Plot lines shall be considered Front Plot Lines for applying required Front Yard Setbacks and Plot Width. On Through Plots both Front Plot Lines shall require Front Yard Setbacks (see Article III)See Lot Line, Front.

Plot Line, Rear. The Plot line opposite and most distant from the Front Plot Line. In the case of a triangular or gore-shaped Lot wherein the two Side Plot Lines converge in the rear, the Rear Plot Line shall be considered to be a line ten feet in length within the Plot parallel to and at the maximum distance from the Front Plot LineSee Lot Line, Rear.

Plot Line, Side. Any Plot line other than a Front or Rear Plot Line. A Side Plot Line separating a Plot from a Street is called a side Street Plot Line. A Side Plot Line separating a Plot from another Plot or Plots is called an interior Side Plot LineSee Lot Line, Side.

Plot Line, Street or Alley. A Plot line separating the Plot from a Street or alleySee Lot Line, Street or Alley.

Plot, Non-Waterfront. See Lot, Non-Waterfront.

Plot (Site) Plan. A drawing to scale accurately showing the size and dimensions of a Plot, the size, dimensions and locations of all Buildings and Structures, Parking facilities and other paved areas, existing and proposed, the width or distance from centerline of adjoining public road Right-of-Way, and any other information pertinent to depicting the proposed physical Development of propertySee Site Plan.

Plot, Reversed Corner. A Corner Plot the side Street line of which is substantially a continuation of the Front Plot Line of the first Plot to its rearSee Lot, Reversed Corner.

Plot, Through. A Plot abutting on two Streets, not at their intersectionSee Lot, Through.

Plot, Waterfront. See Lot, Waterfront.



*Plot Width.* ~~The horizontal distance between the Side Plot Lines at the depth of the required Front Yard~~See Lot Width.

*Pod.* An enclosed Structure that is attached or detached and functions as part of the main Structure.

*Pool Deck.* See Deck.

*Porch.* An unairconditioned, open air, roofed Structure attached to a ~~residence~~Building at an entry to the Building, without Walls on at least two sides and which must be at least 70 percent open on each exposed side. Only supporting columns may be visible above 42 inches from the finished Porch floor level.

*Porte-Cochere.* A roofed Structure attached to a Building and Erected over a driveway for a Building entrance not exceeding one Story in height and open on three sides.

*Portico.* See Porch.

*Premises.* An area of land (Lot or unplatted tract or any combination of contiguous Lots or unplatted tracts) with its appurtenances and ~~Buildings~~improvements which, because of its Unity of Use, may be regarded as the smallest conveyable Unit of real estate.

*Principal Building.* A Structure for the primary Use on a Lot.

*Property Owner's Association.* A nonprofit organization recognized as such under the laws of the State, operated under recorded maintenance and ownership agreements through which each owner of a portion of a Subdivision, be it a Lot, home, property or any other interest, is automatically a voting member, and each such member is automatically subject to a charge for a prorated share of expenses, either direct or indirect, for maintaining common areas and other similar properties. Within the text of these Regulations a Property Owner's Association is considered to be a single entity for property ownership. ~~As used in these Regulations, the term-~~

*Psychic Help Uses.* Establishments primarily engaged in providing advice or counseling to Persons based on readings of objects and/or extrasensory perceptions for either guidance or entertainment. Including but not limited to fortune telling, astrology, handwriting analysis, phrenology, palm reading, tarot card reading, crystal readings, psychic counseling, numerology, and channeling. Psychic Help Uses may not be licensed as secondary or Accessory Uses where not listed as a permitted Use.

*Public Utility.* Includes every Person, corporation, partnership or association or other legal entity, their lessees, trustees or receivers now or hereafter, either owning, operating, managing or controlling a system or proposing construction of a system that is provided or proposes to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone or telegraph, cellular phone, beeper, internet service, beeper, cable television, or any electronic communication service to the public for compensation.

*Redecorating or Refinishing.* Any change, removal, replacement or addition to Walls, floors, ceiling and roof surfaces or coverings which do not support any beam, ceiling or floor load, and which do not affect any bearing partition columns, exterior Walls, stairways, roofs, or other structural elements of a Building or a Structure.

*Regulation or Regulatory Control.* A rule or order promulgated by the Village, or other competent authority with jurisdiction, controlling anything relative to the Use and/or Development of land, water or Structures within the Village. This may include provisions for the administration and enforcement of Regulations.

*Remodeling, ~~Redecorating or Refinishing.~~* ~~Any change, removal, replacement or addition to Walls, floors, ceiling and roof surfaces or coverings which do not support any beam, ceiling or floor load, and which do not affect any bearing partition columns, exterior~~

~~Walls, stairways, roofs, or other structural elements of a Building or a Structure~~See Alteration.

*Restrictive Covenant.* A Written agreement executed by and between a property owner and the Village of Key Biscayne, whereby the property owner agrees to certain conditions, restrictions and/or limitations on the Use, maintenance or sale of his property. Such "Restrictive Covenant" shall be recorded in the public records of Miami-Dade County, Florida and shall run with the land and shall be binding upon the property owner, his successors and assigns.

*Retail.* The sale of commodities or goods which are sold to the ultimate consumer.

*Reveal.* The surface area between a wall and an indentation or recess of the wall.

*Right-of-Way.* A strip of land dedicated or deeded to the perpetual use of the public.

*Right-of-Way Intersection.* The intersection of private property lines at a Street intersection.

*Roof Line.* The top edge of the roof or the top of the Parapet, whichever forms the top line of the Building Structure.

*Rooming House or Boarding House.* See Lodging House.

*Satellite Antenna.* A device which is designed to receive broadcast Signals from earth-orbiting communication satellites, including a low-noise amplifier (LNA) and a coaxial cable for the purpose of carrying signals to the interior of a Building.

*Screened Enclosure.* A frame Erected of metal or wood which framing and overhead supports are only covered with insect screening of metal, fiberglass or other approved insect screening. The framing and overhead supports of such Screened Enclosure shall be solely for the purpose of supporting such screening.

*Service Station (Filling Station).* Any establishment that sells, distributes or pumps fuels for motor vehicles.

*Setback.* ~~The minimum horizontal distance between the Lot or property line and the nearest front, side or rear line of the Building (as the case may be), including Terraces or any covered projection thereof, excluding steps (also see Yard and Required Yard) and the points at which a Structure may be located.~~

*Shed.* A detached, enclosed Structure used for storage.

*Shopping Center.* A group (two or more) of Retail stores, service establishments or any other business, planned to serve a community or neighborhood, not necessarily under a single land ownership, which are adjacent to and utilizing a common Parking area or areas.

*Sidewalk.* The paved layer of Public Frontage dedicated exclusively to pedestrian or bicycle activity.

*Sign.* Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public which directs attention to a product, service, place, activity, Person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary Sign, which advertises, identifies or conveys information, with the exception of the flagsof the United States, the State of Florida, and the Village. For the purpose of removal, Signs shall also include all Sign Structures.

*Sign, Advertising.* Any form of Sign intended to aid, directly or indirectly, in the sale, Use or promotion of a product, commodity, service, activity or entertainment.

*Sign, Animated.* A Sign which includes action or motion of any part by any means, including wind power.

*Sign Area, Aggregate.* The sum of the area of all faces of a Sign, including all elements such as boards for frames, perforated or solid background, ornamental embellishments, arrows or other Sign media. The structural elements necessary to support a Sign need not be included as Sign area. Concerning Painted Wall Signs or Flat Wall Signs when composed of letters only, Sign area is determined by the perimeter required to support or enclose such message or messages.

*Sign, Awning-Canopy.* A Non-Illuminated Occupant Identification Sign affixed flat to the surface of an Awning or Canopy and which does not extend vertically or horizontally beyond the limits of such Awnings or Canopy.

*Sign, Banner (Including Pennant, Streamer).* Any Sign that is intended to be hung, either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

*Sign, Changeable Copy.* A Sign such as a movie marquee where slots are provided on a background for changeable letters to be added.

*Sign, Changing.* A Sign such as an electronically or electrically controlled public service, time, temperature and date Sign, message center or readerboard, on which different Copy changes of a public service noncommercial nature are shown on the same lampbank.

*Sign, Credit Card.* A Sign, decal or emblem (monetary, institutional, and the like) indicating types of credit cards, traveler's checks, and the like, that are accepted.

*Sign, Directional or Informational.* An informative, non-advertising Sign located on and relating to an activity on the Premises upon which the Sign is located such as "entrance," "exit," "Parking in rear," and the like.

*Sign, Directory.* A Sign at a Shopping Center or Office Building which provides general identification for the entire center or Office Building and contains specific advertising or identification for two or more tenants of the center or Office Building.

*Sign, Double Faced.* A Sign with two sides having Copy. Each side of the Sign is usually, but not necessarily parallel.

*Sign Face.* Any part of a Sign that is or could be used for Copy.

*Sign, Flashing.* A Sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic Changing Signs such as public service time, temperature and date Signs, or electronically controlled message centers are classified as "Changing" Signs, not "Flashing" Signs. This term does not include Electronic Message Centers.

*Sign, Flat Wall.* A Sign attached to or Erected against the Wall or facade of a Building, the display surface of which is parallel to the Building Wall not extending above the Roof Line of a Building except as provided in Article 8, § 8.5.A.10. of these Regulations or extending more than 12 inches from the facade of the Building to which it is attached.

*Sign, Freestanding.* A Sign Erected on a freestanding frame, mast or pole, and not attached to any Building or any other Structure.

*Sign, Gasoline Price.* A Sign indicating current gasoline prices at a Service Station.

*Sign Height.* The vertical distance measured from the Established Grade to the highest point of a Sign or its supporting Structure, whichever is higher.

*Sign, Illuminated.* A Sign which is lighted by any light source, internal or external, whether or not said lights are physically attached to the Sign. This definition shall not include Signs which are illuminated by Street lights or other light sources owned by any

public agency or light sources which are specifically operated for the purpose of lighting the area in which the Sign is located rather the Sign itself.

*Sign, Instructional.* A Sign which provides instructions and is located entirely on the property to which it pertains and does not in any way advertise a business, and does not exceed two square feet in area; identifying restrooms, public telephones, walkways and such.

*Sign, Message Center.* A Sign that has the capability of changing Copy.

*Sign, Monument.* A freestanding Sign permanently affixed to the ground with a maximum height of eight feet.

*Sign, Movable.* A Sign not permanently attached to the ground on a Building, including Sidewalk or Sandwich Signs.

*Sign, Nonconforming.* A Sign or Sign Structure which was lawfully Erected and maintained prior to such time as it came within the purview of these Regulations and any amendments thereto, and which fails to conform to all applicable Regulations and restrictions.

*Sign, Non-Illuminated.* A Sign that is not illuminated.

*Sign, Occupant Identification.* A Sign which is limited to the name, address and number of a Building, institution or Persons, and to the activity carried on in the Building or institution.

*Sign, Off Premises.* A Sign identifying, advertising, or directing someone to a business, Person, activity, goods, products or services, located at a different location or Premises from where the Sign is installed and maintained.

*Sign, On Premises.* A Sign identifying or advertising a business, Persons, activity, goods, products or services, located on the Premises where the Sign is installed and maintained.

*Sign, Painted Wall.* A Sign painted on any outside Wall of a Building.

*Sign, Permanent Political.* A Political Sign that requires a permit and must comply with all requirements of the South Florida Building Code and Sign Regulations of the Village.

*Sign, Pole or Pylon.* A Freestanding Sign permanently affixed to the ground with a maximum height of 16 feet.

*Sign, Political.* A Sign that expresses a comment on a matter of public interest.

*Sign, Projecting.* A Sign other than a Flat Wall Sign which is attached to and projects from a Building or Structure face at any angle.

*Sign, Public Service Information.* A Sign which provides general public service information, such as time, date, temperature, weather, directional information, community events, but no business identification advertising.

*Sign, Pylon.* A freestanding Sign which is less than six feet high that is permanently attached to the ground without the need of posts and/or poles.

*Sign, Roof.* A Sign Erected over or on the roof or extending above the Roof Line, which is dependent upon the roof, Parapet or upper Walls of any Building or portion thereof, for support.

*Sign, Rotating.* A Sign or portion of a Sign which moves in a revolving or similar manner.

*Sign, Sidewalk or Sandwich.* A Moveable Sign located in the public Right-of-Way or on private property.

*Sign, Snipe.* A Sign which is tacked, nailed, posted, glued or otherwise attached to trees, poles, stakes or fences or to other objects with the message appearing thereon not applicable to the present Use of the Premises or Structures upon which the Sign is located.

*Sign, Temporary Political.* A Political Sign that does not require a permit and need not comply with the requirements of the South Florida Building Code and Sign Regulations of the Village.

*Sign Structure.* A Structure that supports, has supported or is capable of supporting a Sign, including decorative cover.

*Sign, Subdivision.* A Sign identifying a recorded Subdivision.

*Sign, Swinging.* A Sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent Wall or upright pole.

*Sign, Temporary Announcing.* A Sign Erected and maintained on vacant property or during construction to announce a future Use of the Premises.

*Sign, Temporary Construction.* A Sign Erected and maintained by an architect, contractor, subcontractor, and/or materials business, upon property which such individual and/or materials business is furnishing labor or material for new construction or major renovation.

*Sign, Temporary Real Estate.* A Sign Erected by an owner or his agent indicating the real property upon which the Sign is located is for rent, for lease or for sale.

*Sign, Temporary Service Station Promotion.* A Sign display at a gasoline Service Station of a flexible or banner type which notices regular special promotions such as "Oil Change," "Lube Job," "Tire Sale," "Wheel Balancing," or other similar short term sales or specials.

*Sign, Temporary Window.* A special purpose (sale, and the like) paper Sign installed inside a window for purposes of viewing from outside the Premises.

*Sign, Vehicle.* A Sign affixed to or painted on a transportation vehicle, including automobiles, trucks, boats, Trailers, golf carts, and campers, for the purpose of identification or of advertising the commercial use associated with the vehicle.

*Sign, Window.* A Sign that is painted on, applied to, attached to or projected upon the exterior of a Building, including doors and glass areas. Signs that are located within 15 feet of a glass area and can be seen from the outside of the Building are considered Window Signs. Such Signs include but are not limited to identification labels, messages, symbols, insignias, graphic representations, logos, or any other form which communicates information.

*Site Plan.* A drawing to scale accurately showing the size and dimensions of a Lot, the size, dimensions and locations of all Buildings and Structures, Parking facilities and other paved areas, existing and proposed, the width or distance from centerline of adjoining public road Right-of-Way, and any other information pertinent to depicting the proposed physical Development of property.

*Story.* That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above or if there be no floor above it, then the space between such floor and the ceiling next above it.

*Street.* A strip of land designated for vehicular traffic which affords a principal means of Access to a Lot, or more than one Dwelling Unit, whether it is designated as a Street, highway, thoroughfare, parkway, throughway, road boulevard, lane, place or, however designated, excluding however alleys and expressways.

*Street, Collector.* A Street that carries traffic from Local Streets to arterial Streets and includes the principal entrance Streets of a Subdivision or a Development and the Streets for circulation within such Subdivisions or Developments, and for purposes of these Regulations shall be considered a Street of higher classification than a Local Street.

*Street, Cul-De-Sac.* Shall carry the same meaning as the term Cul-De-Sac as defined in these Regulations.

*Street, Expressway.* A Street which is used only for the movement of vehicles providing for no vehicular or pedestrian Access to Abutting Property, except for Street Access by grade separation interchanges. Access to expressway is not permitted except at authorized and controlled points. The acquisition of Right-of-Ways for expressways includes the acquisition of Access rights thereto.

*Street, Limited Access.* Shall carry the same meaning as the term Limited Access.

*Street, Local.* A Street designed and maintained to provide Access to Abutting Property. A Local Street is of limited continuity and not for through traffic.

*Street, Major Arterial.* A Street of higher classification than Local Streets used primarily for traffic traveling a considerable distance within or through an area not served by an expressway. A major arterial is of considerable continuity, used primarily as a main traffic artery. A major arterial may also be a Limited Access Street.

*Street, Minor.* Shall carry the same meaning as the term Local Street.

*Street, Minor Arterial.* A Street of higher classification than a Local Street and is used for continuous travel, primarily as a main traffic artery, but is more intermittent than a major arterial and carries more traffic for greater distances than a Collector Street. A minor arterial serves to carry traffic from Collector Streets to expressways and major arterial.

*Street, Private.* Any Street which has not been dedicated for public Use and not accepted for ownership or maintenance by the Village Council.

*Street, Public.* Any Street ~~designed to serve more than one property owner, and must be dedicated to the public and be accepted for ownership and maintenance by the Village, unless it is a Private Street, allowed by the terms of these Regulations~~ other than a Private Street.

*Structure.* Anything constructed or Erected, which requires location on the ground or attached to something having a location on the ground or below the surface of the ground or water.

*Structural Alteration.* Any change, except for repair or replacement, in supporting members of a Building or Structure, such as bearing Walls, columns, beams or girders.

*Subsurface Parking.* Parking in which the surface grade is below the Established Grade of the site.

*~~Subdivider.~~* ~~Shall carry the same meaning as the term~~ See Developer.

*Subdivision.* Any division or re-subdivision of a Lot, ~~tract~~ or any parcel of land, regardless of how it is to be used, either by platting or by metes and bounds into two or more Lots, Building sites or other divisions of one acre or less, for the purpose, whether for the immediate or future transfer of ownership, lease, legacy, or Building Development, including any division of land involving a Dedication, change or abandonment of a Public Street, site, Easement or other Right-of-Way for any public Use of facility.

*Sun Deck.* See Deck.

*Surface Waters.* Those waters which have been precipitated on the land or forced to the surface in springs, and which have then spread over the surface of the ground without being collected into a definite body or channel. They appear as puddles, sheet or overland flow and rills and continue to be surface waters until they disappear by infiltration or evaporation, or, until by overland or vagrant flow, they reach well-defined watercourses or standing bodies of water such as lakes or seas.

*Surveyor.* A land surveyor registered in this State.

*Tent.* Any Structure or enclosure, the roof of which and/or 50 percent or more of the sides, are of a natural or synthetic fabric.

*Terrace.* See Deck.

*Text Change (Amendment to this chapter).* Any addition to, deletion of or change of wording in subject matter with respect to these ~~Zoning and Development~~ Regulations.

*Tower.* ~~That portion of a Building or Structure that is greater than 50 feet in height~~  
A Structure having a height greater than its width, higher than its surroundings, and distinguished by its height if subordinate to a main Structure.

*Townhome (Townhouse) or Townhome (Townhouse) Development.* A grouping (more than two Units) of single Family attached or detached Units on one site so that no Unit is above another Unit with each Unit having ingress and egress. ~~For purposes of distinguishing a Townhome from an Apartment Unit for required Parking purposes, the Building, Zoning and Planning Director shall characterize a Unit as a Townhome if it substantially meets the following conditions: contains more than 1,000 square feet, the Parking spaces are located in close proximity to the Building, separate water and/or electrical meters and if the Building contains more than one floor.~~

*Trailer.* A vehicular Structure mounted on wheels, designed to be pulled by another vehicle.

*Trailer Control Devices.* Any mechanism used to regulate traffic, such as pavement striping, Signs, and the like excluding however, for the purpose of these Regulations any mechanical or electrical device, such as traffic lights.

*Trailer, House.* ~~(See Mobile Home.)~~  
An automobile drawn vehicle designed to serve where parked as a temporary Dwelling.

*Trailer, Utility.* A Trailer designed to transport materials, goods or equipment. This includes boat trailers.

*Trellis.* A roof Structure constructed of lattice or parallel wood or other construction members.

*Underground Parking.* Parking in which the ceiling or roof of the top level does not rise above the Established Grade of the site.

*Unit.* ~~See (Apartment Unit, Duplex, Hotel Unit or Townhome.)~~  
A Dwelling space.

*Unity of Title.* A Written agreement executed by and between a property owner and the Village of Key Biscayne, whereby the property owner agrees that the Lots and/or parcels of land constituting the Building site shall be not conveyed, mortgaged, and/or leased separate and apart from each other and that they shall be held together as one tract. The "Unity of Title" shall be recorded in the public records of Miami-Dade County, Florida and shall run with the land and shall be binding upon the property owner, his/her successors and assigns.

*Use.* The purpose or activity for which land or a Structure thereon is ~~Occupied, utilized or maintained.~~

*Use of Land.* ~~Includes Use of water surfaces and land under water to the extent covered by zoning districts, and over which the Village has jurisdiction~~  
is designed, arranged or intended, or for which land, Structures or water is used.

*Use, Principal or Main Permitted.* The primary Use of the Plot as distinguished from secondary or Accessory Uses. There may be more than one principal or main Use on the Plot.

*Use, Residential.* A Use for living or sleeping of Persons not institutional in character, such as a One-Family, Two-Family or Multiple Dwelling, Rooming House, Hotel, Motel, Tourist Home, lodging house, Boarding House, villas, bungalow court.

*Vacation.* To abandon, discontinue or close any existing Public Street, alleyway, Easement or any public lands and Waterways to renounce and disclaim any right of the Village and the public in and to any land in connection therewith.

*Variance.* A modification of, or deviation from the Regulations ~~which is, if and as~~ authorized and approved by the Village Council; in accordance with section 30-63.

*Vehicle, Commercial.* Any vehicle designed or used, or maintained primarily for the transportation of property and/or Persons for hire including but not limited to tractors, Trailers or any part thereof, wreckers, tow trucks or other vehicles equipped with a hoist or other mechanical equipment designed to perform a similar function or taxicabs or any vehicle commonly recognized as a truck or Commercial Vehicle or any vehicle whose maximum gross weight exceeds 10,000 pounds (Gross Vehicle Weight) or contains advertising markings in excess of three square feet per side ~~of~~ per vehicle top.

*Vehicle, Recreational.* Any vehicle or portable Structure designed primarily to provide temporary living quarters for recreation, camping or travel use: either a vehicular Structure mounted on wheels; self-powered or designed to be pulled by another vehicle; or a Structure designed to be mounted upon and carried by another vehicle. This definition is intended to include the following:

(1) *Camping Trailer.* A vehicular portable Structure mounted on wheels, constructed with collapsible partial side Wall of fabric, plastic or other material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location providing temporary living quarters.

(2) *Truck Camper.* A portable Structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters.

(3) *House-Bus, Camp-Bus or Motor Home.* A Structure built on and made an integral part of self-propelled motor vehicle chassis primarily designed to provide temporary living quarters.

(4) *Travel Trailer.* A vehicular, portable Structure built on a chassis designed to be pulled by a standard passenger automobile and to be used as temporary living quarters.

*Vehicle, Special Purpose.* A vehicle especially designed primarily for unusual terrain and conditions and which is not usually licensed for or used on the public roads, such as swamp buggies and track layers (caterpillar-track drive).

*Vending Machines.* Any machine or device which, upon the insertion of any form of currency, slug, token, plate, disc or card, or other object or numeric code that permits dispensing of merchandise, tickets, services or products.

*Veranda.* See Porch.

*View Corridor.* An unobstructed, axial view terminating on a natural, historical or architectural feature.

*Village.* The Village of Key Biscayne.

*Village Engineer.* The individual or engineering company designated by the Village Manager.

*Wall.* All window and Wall area of a Building in one plane or elevation.

*Waterway.* A stream, canal or body of water, dedicated to public use, publicly owned, or used and available for public travel by boats, not including privately owned bodies of water or drainage ditches.



*Work.* Shall include all required construction as shown on approved plans and specifications for all facilities and features of any kind which are required, related to the process of Subdivision or [of] land under these Regulations.

*Yard.* A space on the same Plot with a Structure or Use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in these Regulations. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured perpendicular and inward from the respective Plot lines. ~~The term Yard includes the term Setback, and these terms are synonymous. When the term Yard is used it shall mean the minimum Required Yard or Setback.~~

*Yard, Front.* ~~A Yard extending across the full width of the Plot along the Front Plot Line from Side Plot Line to Side Plot Line.~~ The area of a Lot bounded by the Building façade continuous to the Side Lot Lines, the Side Lot Lines, and the Front Lot Line.

*Yard, Rear.* ~~A Yard extending across the full width of the Plot along the Rear Plot Line from Side Plot Line to Side Plot Line.~~ The area of a Lot bounded by the rear Building façade extended to the Side Lot Lines, the Side Lot Lines, and the Rear Lot Line.

*Yard, Required.* The minimum Required Yard or Setback required by these Regulations. Any Yard space supplied in excess of the minimum amount specified shall not be deemed to be a Required Yard.

*Yard, Side.* ~~A Yard extending along the Side Plot Line from the Front Yard to the Rear Yard.~~ The area of a Lot bounded the the side building façade extended to the Front and Rear Lot Lines, the Front Lot Line, the Rear Lot Line, and the Side Lot Line.

*Yard, Side (Street).* A Side Yard adjacent to a Street.

*Zoning Code.* The Zoning and Land Development Regulations of the Village, as amended from time to time.

(Ord. No. 2000-5, § 2, 5-9-00; Ord. No. 2000-13, § 1, 10-24-00; Ord. No. 2002-5, § 2, 5-28-02; Ord. No. 2005-19, § 2, 11-22-05; \_\_\_\_\_)

Secs. 30-12--30-19. Reserved.

## **Sec. 30-12 Definitions of Uses and Building Functions**

**(a) Residential** This Use category encompasses land use functions predominantly for permanent housing. Residential Uses include:

**Single-Family Residence:** Detached Building used as a permanent residence by a single housekeeping unit. The term is general, applying to all detached house types.

### **Community Residence:**

A "resident", for the purpose of a Community Residence, may include any persons as defined in the following statutes:

- (1) A disabled adult or frail elder as defined in Florida Statutes, § 400.618(8) and (9);
- (2) A physically disabled or handicapped person as defined in Florida Statutes, § 760.22(7);
- (3) A developmentally disabled person as defined in Florida Statutes, § 393.063(9);
- (4) A non-dangerous mentally ill person as defined in Florida Statutes, § 394.455(11); or
- (5) A child as defined in Florida Statutes, § 39.01(12) and (14).

A Community Residence may consist of:

A Dwelling Unit of six or fewer residents that meets the definition in Florida Statutes, §

419.001 for a "community residential home" of such size; or

A Dwelling Unit licensed to serve clients of the State Department of Children and Families, which provides a living environment for seven to fourteen unrelated residents who operate as the functional equivalent of family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents, as defined in Florida Statutes § 419.001; or

An adult family-care home as defined in Florida Statutes § 429.65, which provides a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives.

***Ancillary Unit:*** A Dwelling Unit sharing ownership and utility connections with a principal residential Building and contained on the same Lot. An Ancillary Unit may be attached or detached from the Principal Building, and the size of the Unit shall count towards maximum density calculations. [? – granny apartment]

***Two Family Housing:*** Two (2) Dwelling Units within a single detached Building, each Dwelling Unit of which provides a residence for a single housekeeping unit.

***Multi-Family Housing:*** A Building or portion thereof containing three or more Dwelling Units where each unit has direct access to the outside or to a common hall. A multifamily structure where Dwelling Units are available for lease or rent for less than one month shall be considered Lodging.

***Home Office:*** A space within a Dwelling Unit devoted to a non-retail business activity belonging to the resident thereof that is clearly secondary in use to the residence, that does not alter the exterior of the Building or affect the residential character of the neighborhood, and that meets all legal requirements for the Building and for the business.

***Live-Work:*** A Dwelling Unit that contains a commercial component limited to a maximum of 50% of the Dwelling Unit area. [future?]

***Work-Live:*** A mixed-use unit that contains a commercial component and one Dwelling Unit per Lot, in which the work component exceeds 50% of the Dwelling Unit area. [future?]

***(b) Lodging.*** This Use category is intended to encompass land use functions predominantly of sleeping accommodations occupied on a rental basis for limited periods of time. These are measured in terms of lodging units. A lodging unit is a furnished room of a minimum 200 square feet and a maximum of \_\_\_\_\_, that includes sanitary facilities and that may include limited kitchen facilities. Lodging Uses include:

***Bed & Breakfast:*** A group of lodging units not to exceed ten (10) that may provide services for dining, meeting and recreation.

***Inn:*** A group of lodging units not to exceed twenty-five (25) that may provide services for dining, meeting and recreation.

***Hotel:*** A group of lodging units exceeding twenty-five (25) that may provide services for dining, meeting and recreation.

***(c) Office.*** This Use category encompasses land use functions predominantly related to business, professions, service or government. Office uses include a room or group of rooms used for conducting a business, profession, service, or government. Such facilities may

include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices, and exclude manufacturing activities.

(d) **Commercial.** This Use category encompasses land use functions of office, retail, service, entertainment or recreational establishments. Commercial Uses include:

**Auto-Related Commercial Establishment:** A place of business serving auto-related needs including, but not limited to: car rental, car wash, gas station, mechanic offering minor repairs, retail sales such as auto parts, tire store, indoor car sales. Uses not included: major mechanical work; body work; painting; steam cleaning; welding; outdoor car sales; storage of automobiles not in operating condition; commercial parking lot or commercial garage; or any work involving undue noise, glare, fumes or smoke, all of which are considered auto-related industrial activities.

**Entertainment Establishment:** A place of business serving the amusement and recreational needs of the community. Such facilities may include, but not limited to: cinemas, billiard parlors, teen clubs, dance halls, or video arcades. Uses not included: Adult Entertainment Establishment.

**Entertainment Establishment, Adult:** A place of business that sells, rents, leases, trades, barbers, operates on commission or fee, purveys, displays, or offers only to or for adults products, goods of any nature, images, reproductions, activities, opportunities for experiences or encounters, moving or still pictures, entertainment, or amusement distinguished by purpose and emphasis on matters depicting, describing, or relating by any means of communication from one (1) person to another to "specified sexual activities" or "specified anatomical areas" as herein defined. An adult entertainment or adult service establishment is not open to the public generally but only to one (1) or more classes of the public, excluding any person under twenty-one (21) years of age. It is the intent of this definition that determination as to whether or not a specific establishment or activity falls within the context of regulation in this Code shall be based upon the activity therein conducted or proposed to be conducted as set out above and in these regulations shall not depend upon the name or title of the establishment used or proposed. Thus, the terms "adult bookstore," "adult massage parlor," "adult motion picture theater," "adult private dancing," and "adult escort service" are encompassed within this definition of "adult entertainment or services," but the term "adult entertainment or adult services" is not to be deemed limited by the enunciation of specific activities listed before.

**Food Service Establishment:** A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site.

**Alcohol Beverage Service Establishment:** A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages. This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on the premises of alcoholic beverages as a principal use. Alcohol beverage service establishments may include, but are not limited to: bars, taverns, cocktail lounges, nightclubs or supper clubs.

**General Commercial:** A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser. General commercial services include, but are not limited to, barber shops; beauty salons; travel agencies; fortune tellers; retail dry cleaning; express delivery service; health spas and fitness studios; photo studios; funeral homes; animal clinics; repair service establishments, excluding auto related or marine related establishments;

commercial storage; and the like. General commercial goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like.

***Open Air Retail:*** A retail sales establishment operated substantially in the open air including, but not limited to: vending cart, push cart, kiosk, farmers market, and the like. Uses not included are: car sales, equipment sales, boats sales, and home and garden supplies and equipment.

***Place of Assembly:*** A commercial facility for public assembly including, but not limited to: auditoriums, conference facilities, theaters and performing arts centers, and the like.

***Recreational Establishment:*** A place of business providing group leisure activities, often requiring equipment and open to the public with or without entry or activity fees. This may include, but is not limited to: game courts, skating parks, bowling alleys, commercial golf facilities, gyms or sports rooms.

***(e) Civic.*** This Use category encompasses land use functions predominantly of community-oriented purposes or objectives including those of not-for-profit organizations dedicated to arts and culture, education, recreation, religion, government, and the like. Civic uses include:

***Community Facility:*** A non-commercial facility established primarily for the benefit and service of the general public of the community in which it is located. Such facilities include, but are not limited to: the Village Community Center, and cultural facilities such as libraries, passive parks, public art installations and museums.

***Recreational Facility:*** A non-commercial facility, primarily an Open Space, serving the recreation needs of the general public. This may include but is not limited to: golf courses, recreational oriented parks, camping facilities, ball fields and playfields, and playgrounds.

***Religious Facility:*** A facility used for regular organized religious worship and related activities.

***(f) Civic Support.*** This Use category encompasses land uses predominantly supportive of governmental or community uses and functions. Civic support Uses include:

***Community Support Facility:*** A facility providing services for the benefit and service of the community, including police and fire stations, a post office, adult daycare centers, community residences with 15 or more residents, extended care facilities, nursing homes, convalescent homes, or assisted care community as defined by Florida Statutes § 429.

***Infrastructure and Utilities:*** A facility related to the provision of Roads, water and sewer lines, electrical, telephone and cable transmission, and all other utilities and communication systems necessary to the functioning of the community.

***Public Parking:*** A parking facility available to the general public for parking motor vehicles.

***(g) Educational.*** This Use category encompasses land use functions connected with providing education, training, or care of children and students of all ages. Educational Uses include:

***Childcare:*** A facility where six (6) or more children are cared for on a part-time basis by day or by night including after-school care. The term does not include community based residential facilities, family daycare homes, foster homes, group homes, rehabilitation or detention centers, orphanages, or other places operating primarily for remedial care.

**Pre-School:** A facility offering care and instruction of children who are pre-elementary school age.

**Primary School:** A facility offering instruction at the elementary or middle school level.

**Learning Center:** A facility offering to students training, tutoring or instruction in subjects such as languages, music, fine arts or dance. This may include provision of electronic testing and distance learning.

**Research Facility:** A facility conducting research, development, and testing in various fields of science.